

MAINE STATE LEGISLATURE

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D. J. R.

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L.D. 1494

(Filing No. S-280)

STATE OF MAINE
SENATE
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 566, L.D. 1494, Bill, "AN ACT Concerning Access to Medical Records by Prosecutors."

Amend the Bill in that part designated "§200-E." in subsection 1 in paragraph A in the 2nd line (page 2, line 17 in L.D.) by inserting after the underlined word "person" the underlined words 'relating to the alleged criminal act'

Further amend the Bill in that part designated "§200-E." in subsection 1 in paragraph B in the first and 2nd lines (page 2, lines 21 and 22 in L.D.) by striking out the underlined words "may have been" and inserting in their place the underlined word "was

Further amend the Bill in that part designated "§200-E." in subsection 1 in paragraph B in the last line (page 2, line 25 in L.D.) by inserting after the underlined word and punctuation "victim." the following:

'A victim includes, but is not limited to:

(1) A person certified to be deceased;

(2) An abused person who has not attained his 18th birthday;

(3) An abused person who reasonably appears to be incapacitated; or

(4) An abused person subject to guardianship, public guardianship or temporary guardianship.'

D. OF R.

COMMITTEE AMENDMENT " A" to S.P. 566, L.D. 1494

1 Further amend the Bill in that part designated
2 "§200-E. by striking out all of subsection 2 and in-
3 sserting in its place the following:

4 '2. Medical examination; criminal proceeding or
5 investigation. In any criminal proceeding or inves-
6 tigation, where medical examination or treatment has
7 been provided to a victim, upon written request of
8 the Attorney General or any of his deputies or as-
9 stants whom he designates in writing, or the dis-
10 trict attorney or his deputy or assistants whom he
11 designates in writing, any individual, partnership,
12 association, corporation, institution or governmental
13 entity which has rendered the examination or treat-
14 ment shall immediately provide the authorized person
15 with all medical records pertaining to the medical
16 examination or treatment that are requested by the
17 authorized person. Where the authorized person knows
18 of circumstances or factors which would require pro-
19 duction of fewer than all medical records, he shall
20 attempt to request the specific medical records be-
21 lieved to be pertinent.

22 A. Unless otherwise provided by state or federal
23 law, this section on the furnishing of confiden-
24 tial medical records governs.'

25 Further amend the Bill in that part designated
26 "§200-E." in subsection 3 by striking out all of the
27 last underlined sentence (page 3, lines 27 to 32 in
28 L.D.)

29 Further amend the Bill in that part designated
30 "§200-E." by inserting after subsection 5 the follow-
31 ing:

32 '6. Immunity from liability. No individual,
33 partnership, association, corporation, institution or
34 governmental entity or employee or agent of a govern-
35 mental entity may be criminally or civilly responsi-
36 ble for furnishing any medical records in compliance

1 OF 2

COMMITTEE AMENDMENT "A" to S.P. 566, L.D. 1494

1 with this section.'

2 STATEMENT OF FACT

3 The purpose of this amendment is to limit the
4 prosecutor's ability to compel the production of cer-
5 tain medical records to prevent potential abuse of
6 this power. Only those medical records related to
7 the alleged criminal act are subject to production
8 and the prosecutor must limit his request for produc-
9 tion if he knows that only certain documents are per-
10 tinent to his investigation. The amendment requires
11 written authorization from the Attorney General or
12 the District Attorney to allow their respective depu-
13 ties and assistants to request production. Other
14 technical changes have been made in the amendment.

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Reported by Senator Chalmers for the Committee on
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